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Guidance

Coronavirus (COVID-19): landlord right to rent checks

Advice for landlords carrying out right to rent checks during the coronavirus pandemic.

Published 30 March 2020

From:

Home Office (<https://www.gov.uk/government/organisations/home-office>) and Immigration Enforcement (<https://www.gov.uk/government/organisations/immigration-enforcement>)

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Right to rent checks have been temporarily adjusted due to coronavirus (COVID-19), to make it easier for landlords to carry them out.

As of 30 March 2020 the following temporary changes have been made:

- checks can now be carried out over video calls
- tenants can send scanned documents or a photo of documents for checks using email or a mobile app, rather than sending originals
- landlords should use the Landlord's Checking Service (<https://eforms.homeoffice.gov.uk/outreach/lcs-application.ofml>) if a prospective or existing tenant cannot provide any of the existing documents

Checks will continue to be necessary and you must continue to check the prescribed documents in the code of practice on illegal immigrants and private rented accommodation (<https://www.gov.uk/government/publications/right-to-rent-landlords-code-of-practice/code-of-practice-on-illegal-immigrants-and-private-rented-accommodation-for-tenancies-starting-on-or-after-1-february-2016>) and right to rent document checks: a user guide (<https://www.gov.uk/government/publications/right-to-rent-document-checks-a-user-guide>). It remains an offence to knowingly lease premises to a person who is not lawfully in the UK.

Because of COVID-19 some individuals will be unable to evidence their right to rent. During this period, you must take extra care to ensure that no-one is discriminated against because they are struggling to evidence

their right to rent. For more information, please see the code of practice for landlords: avoiding unlawful discrimination when conducting right to rent checks in the private rented residential sector (<https://www.gov.uk/government/publications/right-to-rent-landlords-code-of-practice>).

Conducting a right to rent check during the temporary COVID-19 measures

- Ask the tenant to submit a scanned copy or a photo of their original documents via email or using a mobile app.
- Arrange a video call with the tenant – ask them to hold up the original documents to the camera and check them against the digital copy of the documents.
- Record the date you made the check and mark it as “an adjusted check has been undertaken on [insert date] due to COVID-19”.

If the tenant does not have the right documents

You must contact the Landlord’s Checking Service (<https://eforms.homeoffice.gov.uk/outreach/lcs-application.ofml>) if the tenant cannot provide documents from the prescribed lists (<https://www.gov.uk/government/publications/right-to-rent-document-checks-a-user-guide>).

Once you have submitted your request to the service, please do not try to contact them again. You will get an answer within 2 working days. You must keep their response to protect against a civil penalty.

After the COVID-19 measures end

We will let you know in advance when these measures will end. After that date you must revert to the checking process set out in the code of practice on illegal immigrants and private rented accommodation (<https://www.gov.uk/government/publications/right-to-rent-landlords-code-of-practice/code-of-practice-on-illegal-immigrants-and-private-rented-accommodation-for-tenancies-starting-on-or-after-1-february-2016>) and right to rent document checks: a user guide (<https://www.gov.uk/government/publications/right-to-rent-document-checks-a-user-guide>).

You should carry out retrospective checks on tenants who:

- started their tenancy during this period
- required a follow-up check during this period

You should mark the retrospective check: “the individual’s tenancy agreement commenced on [insert date]. The prescribed right to rent check was undertaken on [insert date] due to COVID-19.”

The retrospective check must be carried out within 8 weeks of the COVID-19 measures ending. Both checks should be kept for your records.

The Home Office will not take any enforcement action against you if you carried out the adjusted check set out in this guidance, or a check via the Home Office, and follow this up with the retrospective check.

If, at the point of carrying out the retrospective check, you find your tenant, who started their tenancy during this period, did not have a right to rent you must take steps to end the tenancy (<https://www.gov.uk/government/publications/ending-a-residential-tenancy-agreement>).

If you find a tenant who required a follow-up check during this period no longer has a right to rent, you must report this to the Home Office (<https://www.gov.uk/check-tenant-right-to-rent-documents/further-checks>) as soon as you have carried out the check.

If the check you have undertaken during this period was done with original documentation, you do not need to undertake a retrospective check.

Published 30 March 2020

Related content

Collection

- Coronavirus (COVID-19): immigration and borders (<https://www.gov.uk/government/collections/coronavirus-covid-19-immigration-and-borders>)

Explore the topic

- Right to rent in the UK (<https://www.gov.uk/entering-staying-uk/right-to-rent-in-the-UK>)